

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRETT COMBS,

Defendant.

Case No. 2:10-CR-173-KJD-RJJ

**ORDER**

Before the Court is the Government's Motion to Waive Attorney-Client Privilege and Ordering Response from Comb's Former Counsel, Monique Kirtley (#186). Also before the Court is the Government's Motion to Continue Response Date Until Former Counsel Provides Information Requested in Motion to Waive Attorney-Client Privilege (#187).

Defendants waive their attorney-client privilege as to a given subject by alleging ineffective assistance counsel as to that subject. See United States v. Ortland, 109 F.3d 539, 543 (9th Cir. 1997). Defendant has filed a Motion to Vacate under 28 U.S.C. § 2255 (#170). Among the allegations are ineffective assistance of his counsel, Monique Kirtley. Accordingly, Defendant has waived attorney-client privilege as to his ineffective assistance of counsel claims.

Accordingly, **IT IS HEREBY ORDERED** that the Government's Motion to Waive Attorney-Client Privilege and Ordering Response from Comb's Former Counsel, Monique Kirtley

1 (#186) is **GRANTED** as to all information relating to Defendant's ineffective assistance of counsel  
2 claims. **IT IS FURTHER ORDERED** that Defendant's former Attorney, Monique Kirtley, provide  
3 the Government and file with the Court an affidavit addressing Defendant's ineffective assistance of  
4 counsel claims within 30 days of the entry of this Order.

5 **IT IS FURTHER ORDERED** that, upon review of the motion and good cause appearing,  
6 the Government's Motion to Continue Response Date Until Former Counsel Provides Information  
7 Requested in Motion to Waive Attorney-Client Privilege (#187) is **GRANTED**. The Government's  
8 response is due within 30 days of the filing of Monique Kirtley's affidavit.

9 DATED this 31st day of October 2013.

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Kent J. Dawson  
United States District Judge  
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